

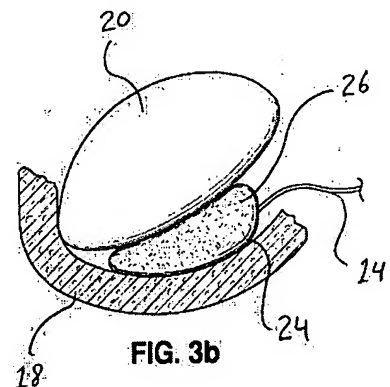
### REMARKS

The foregoing amendment and remarks which follow are responsive to the non-final Office Action mailed April 20, 2006 in relation to the present patent application. In that Office Action, the Examiner inquired as to Applicant's prior-filed disclosure document number 520388, and further acknowledged Applicant's previously filed information disclosure statement. The Examiner further objected to Claims 22 and 23 due to their dependency from Claim 14, as opposed to Claim 21.

With respect to the prior art, Claims 1-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Brockway, et al. (i.e., United States Patent Number 6,269,615 B1).

No other issues were presented.

By this amendment, Applicant has addressed the foregoing issues, and in particular, has more clearly claimed the subject matter which he regards as the invention, and further clearly differentiates the present invention from the cited art. In this regard, the devices and methods of the present invention incorporate the use of a sensor having a link extending therefrom, said sensor having a medial cross-section substantially greater than said link, wherein the sensor is positionable within an anatomical structure or otherwise interposable between and compressible against anatomical structures wherein the sensor is operative to produce a signal corresponding to the surrounding environmental pressures/compressive forces and transmit said signal through the link to a monitor coupled therewith. In this regard, and in sharp contrast to the devices disclosed in Brockway, et al., the devices and methods of the present invention utilize a sensor that conforms about the dimensions of the anatomical structures by exerting pressures and/or compressive force. Indeed, as is readily illustrated in Figures 1, 2b, 3b (shown to the right), 4 and 5, the sensor element is clearly "oversized" (i.e., has a substantially greater medial cross-section relative the link extending therefrom) and operative to be fit or wedged within a target anatomical structure or structures and compressed thereagainst to thus determine spatial



relationships and the degree of pressure and compressive forces. See, Application, paragraphs 0011, 0013-0014, 0026-0032, and Abstract.

Because of the need of the sensor of the present invention to be able to compress and conform to determine the dimensions and pressure exerted about a specific anatomical structure or structures, such sensor is inoperable to be deployed at the distal end of a catheter. Indeed, it will be readily appreciated that the embodiments depicted in Figures 1, 2b, 3b, and Figure 4 must be sized to adequately compress against one or more target anatomical structures and thereafter transmit a signal representing such data via the link and ultimately to a monitor.

The teachings of Brockway, et al. are the exact opposite. Such devices are specifically designed to be deployed via the distal end of a catheter, and in all of the embodiments depicted, it is imperative that the physiological sensor positioned at the distal end of the device be operative to be inserted into and through the lumen of a therapeutic or diagnostic catheter. See, e.g., column 2, lines 63-66; column 4, lines 18-20; and column 10, lines 33-46. Indeed, in each of the embodiments discussed in Brockway, et al. there is utilized a pressure transmitting catheter comprised of a long, small-diameter hollow tube extending from its distal end to its proximal end through which signals indicative of pressure are transmitted. See, column 4, line 42 to column 6, line 35.

Accordingly, the catheter with physiological sensors disclosed in Brockway, et al., cannot anticipate the invention as claimed. As is well-known, in order for anticipation to apply, each and every element must be found in a single prior art reference. MPEP §2131; In re Bond, 15 U.S.P.Q. 2d, 1566, 1567 (Fed. Cir. 1990).

Moreover, Applicant respectfully submits that Brockway, et al. would not render the present invention obvious in light of the amendments made herein. In this respect, the devices disclosed in Brockway, et al. are specifically designed and configured to be deployed through catheters having a uniform diameter, and to somehow modify the devices in Brockway, et al. to possess an oversized sensor element relative the link by which pressure data is transmitted would render such device incapable of being deployed through a catheter, and hence inoperable for its intended purpose. Such a modification would be an

Application No.: 10/666,396  
Response to Office Action of April 20, 2006  
Attorney Docket: MEDTR-001A

inappropriate basis for maintaining an obviousness rejection. In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984)

Accordingly, Applicant respectfully submits that, as amended herein, the claims of the present invention are neither anticipated nor rendered obvious by the cited art. Reconsideration and allowance of the claims is respectfully requested.

In addition to the foregoing, Applicant has amended claims 23 and 24 to correct that dependency. Applicant further wishes to advise the Examiner that reference to disclosure document number 520388 was made merely to evidence Applicant's earlier conception and reduction to practice of certain aspects of the present invention, as afforded according to MPEP § 1706. To clarify, Applicant is not claiming the benefit of a prior-filed application. Applicant apologizes for any confusion this has caused the Examiner.

Based on the foregoing, Applicant respectfully submits that all outstanding matters have been addressed and that the claims are in condition for immediate allowance. Early notice to that effect is respectfully requested. To the extent the Examiner has any questions, requires additional information, or has any suggestions to resolve any outstanding issues, he is invited to contact Applicant's counsel at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 9/20/06

Customer No.: 007663

By:



Matthew A. Newboles  
Registration No. 36,224  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
Telephone: (949) 855-1246  
Fax: (949) 855-6371